



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Albert Balagso

**SUBJECT:** JUVENILE OFFENDERS  
REFERRAL PROGRAM

**DATE:** 05-22-08

Approved

Date 05/22/2008

## **BACKGROUND**

In the Mayor's March Budget Message, staff was directed to reinstate the Juvenile Offenders Referral Program, explore alternative funding options, and partner with Council Offices to recruit volunteers for quarterly anti-graffiti cleanups. The purpose of this memorandum is to provide the City Council with an update on the status of the City's negotiations to restore the Juvenile Offender Program through the Mayor's Gang Prevention Task Force (MGPTF).

## **ANALYSIS**

The County of Santa Clara is in its 5<sup>th</sup> year of implementation of Juvenile Detention Reform (JDR). The goal of this Initiative is to demonstrate more effective and efficient juvenile justice operations that accomplish core purposes of juvenile detention. The specific objectives of Juvenile Detention Reform are:

- To reduce disproportionate confinement of minority youth
- To reduce the number of youth unnecessarily or inappropriately detained
- To minimize the number of youth who fail to appear in Court or who re-offend pending adjudication
- To redirect public funds toward successful reform strategies
- To improve conditions of confinement

While the overarching intentions of Juvenile Detention Reform (JDR) address a valid community issue (the disproportionate confinement of minority youth), the actual implementation of these reforms have resulted in the unintended consequences of juveniles caught for graffiti, truancy or other offenses cited and released.

In the past, many individuals were referred to the City's Anti-Graffiti program to complete up to sixty-six hours of community service as part of a Sentencing Alternative Program. Juveniles

### **ANALYSIS** (CONT'D.)

who had been arrested and had become wards of the court were also referred to the City under a separate agreement with the County Department of Probation ("County"). Under the terms of the agreement, the City allocated funding to the County to provide the required staff to supervise the ward juveniles during their community service with the City.

For a variety of reasons, this practice had stopped. The County did not have sufficient staffing to continue the program and there were changes in the way juveniles were being referred as explained above. As a result, juvenile offenders were no longer being referred to the City.

### **Solution**

The Mayor's Gang Prevention Task Force initiated a dialogue with Santa Clara County Officials with the goal of achieving a mutually agreeable solution between the City and the County. This solution was designed to advance the County's efforts of reducing minority confinement long-term, while at the same time addressing the City's need for immediate consequences for gang activity, graffiti, and related crimes in the short term. Two significant outcomes of that discussion were the reinstatement of the juvenile offender diversion program for graffiti and the formation of the working group with participants from both the City and Santa Clara County.

The City and County agreed to reinstate the diversion of juvenile offenders who commit graffiti to a minimum of twenty-four hours of community service and mandatory enrollment of the offender in a tag class. Because JDR results in only a 90-day window to complete sentencing, the sixty-six hours was deemed impractical by the County. It was agreed that a shorter term of twenty-four hours would suffice and the referral of truant juveniles has been restored. Each weekend, ten to twenty youth are being referred to the City's Anti-Graffiti program.

One operational hurdle identified was the requirement for wards of the Court to be supervised by the County Department of Probation staff while they participate in the City's program. In the past, the City paid the County for this expense. Due to staffing issues, the County had advised the City that it could not continue that program and the agreement was allowed to expire. However, following the inter-agency dialogue, the County re-examined its staffing and agreed to make the resources available provided that the supervisor costs could be supported. Funding for this agreement has been identified within the existing City budget and it is anticipated that a new agreement will be fully executed in the next several weeks.

One of the greatest challenges for the Anti-Graffiti program has been the restrictions associated with Community Development Block Grant Funding (CDBG). This year, staff was notified that the program would no longer be eligible for CDBG in 2008-2009 so an alternative funding source needed to be identified. As such, the 2008-2009 Proposed Operating Budget recommends shifting funding for the program to the General Fund. This shift will greatly expand the

flexibility in allocating staff resources city-wide and lower the administrative burden associated with CDBG documentation.

In addition, City staff has also partnered with all Council Offices to extend outreach efforts to recruit new volunteers for our quarterly Anti-Graffiti cleanups.

#### Next Steps

Significant progress has been made with the County in restoring the juvenile offender program. The Administration would like to acknowledge the openness and collaborative spirit demonstrated by the City and County staff. As a result of these efforts, there will be increased accountability and available resources to advance our efforts in effectively eradicating graffiti.

Additionally, an inter-agency sub-committee of the MGPTF has been created to enable continued collaborative problem solving that can solve implementation issues in the current system and advance the goals of JDR. Members of the group include:

#### Co-Chairs:

Blanca Alvarado, Santa Clara County Supervisor

Angel Rios, City of San Jose Deputy Director, Parks, Recreation & Neighborhood Services

#### Members:

Albert Balagso, City of San Jose Director, Parks, Recreation & Neighborhood Services

Dolores Carr, Santa Clara County District Attorney

Rob Davis, City of San Jose Police Chief

Mary Green, Santa Clara County Office of the Public Defender

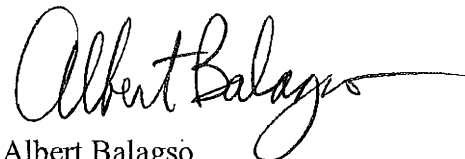
Melanie Jimenez, City of San Jose Office of the Mayor

Sheila Mitchell, Santa Clara County Probation Department Chief

Bob Nunez, Eastside Union High School District Superintendent

Honorable Patrick Tondreau, Santa Clara County

Through the effort of the Mayor's Gang Prevention Task Force and this newly formed Inter-Agency sub-committee, we will continue to work on innovative approaches to keep the residents of our city safe.



Albert Balagso  
Director of Parks, Recreation and  
Neighborhood Services